

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*November 21, 2011*

The Tippecanoe County Commissioners met on Monday, November 21, 2011 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President Thomas P. Murtaugh, and Commissioner John L. Knochel. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Dawn Rivera.

Commissioner Byers called the meeting to order and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

- Commissioner Murtaugh moved to approve the minutes of the regular meeting held on November 7, 2011, second by Commissioner Knochel; motion carried.

**PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS**

- Commissioner Murtaugh moved to approve the accounts payable vouchers for November 9, 10, 11, 17, 18, and 21, 2011 with no exceptions, second by Commissioner Knochel; motion passed.

**HIGHWAY – Opal Kuhl**

**Consent to Assignment Agreement**

Executive Director Opal Kuhl presented a Consent to Assignment Agreement involving Bridge #33. The contract for engineering services is with Floyd E. Burroughs & Associates, which was recently purchased by Hannum Waggle & Cline Engineering. This agreement acknowledges the change in ownership and transfers contract rights to the new owner.

- Commissioner Murtaugh moved to approve the Consent to Assignment Agreement as presented, second by Commissioner Knochel; motion passed.

**Change Order #9 for Tyler Road Project**

Director Kuhl presented this change order from Reith-Riley Construction in the amount of \$8,322.50, bringing the contract total to \$1,433,040.64. This change is for additional pipe needed between driveways. The project is almost complete and the road is now open; remaining work is related to punch list items.

- Commissioner Murtaugh moved to approve Change Order #9 in the amount of \$8,322.50 as presented, second by Commissioner Knochel; motion passed.

**GRANTS – Laurie Wilson**

**Permission to Accept**

Grant Coordinator Laurie Wilson requested permission to accept a Bioterrorism Hospital Planning Grant on behalf of the Health Department for \$5,000 from the Indiana State Department of Health. These funds will be used for Medical Reserve Corps training and outreach.



- Commissioner Murtaugh moved to accept the grant as stated, second by Commissioner Knochel; motion passed.

### **Grant Extension**

Coordinator Wilson presented a contract for a 90 day extension to the Disproportionate Minority Contact grant between the Indiana Criminal Justice Institute and Cary Home. The original expiration date of the grant was December 31, 2011. An additional \$8,774 was awarded to be used towards travel.

- Commissioner Murtaugh moved to accept the grant extension contract as stated, second by Commissioner Knochel; motion passed.

### ***RECORDER – Oneta Tolle***

County Recorder Oneta Tolle presented an agreement from Eastern Engineering for the service and maintenance of the Kip machine, which creates plats and scans large documents. This agreement will extend the original contract for another year with a monthly service charge of \$1,473.13 per month.

- Commissioner Murtaugh moved to accept the Kip Machine Maintenance contract as stated, second by Commissioner Knochel; motion passed.

### ***ORDINANCE 2011-30-CM***

#### **Americans with Disabilities Act Implementation**

County Attorney David Luhman summarized the ordinance, stating its purpose is to formally establish an Americans with Disabilities Act (ADA) Project Team and Coordinator to assist with the implementation of the ADA Act of 1990, and to establish procedures and documents for responding to grievances. If the Board enacts the ordinance today, it must also appoint personnel as prescribed and approve the required complaint forms and procedures.

- Commissioner Murtaugh moved to approve Ordinance 2011-30-CM on first reading, second by Commissioner Knochel.

Auditor Jennifer Weston called the roll:

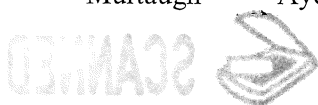
|          |     |
|----------|-----|
| Byers    | Aye |
| Knochel  | Aye |
| Murtaugh | Aye |

Ordinance 2011-30-CM passed 3-0 on first reading.

- Commissioner Murtaugh moved to suspend the rules and hear Ordinance 2011-30-CM for second reading today, second by Commissioner Knochel; motion passed.
- Commissioner Murtaugh moved to approve Ordinance 2011-30-CM on second reading, second by Commissioner Knochel.

Auditor Jennifer Weston called the roll:

|          |     |
|----------|-----|
| Byers    | Aye |
| Knochel  | Aye |
| Murtaugh | Aye |



Ordinance 2011-30-CM passed 3-0 on second and final reading.

- Commissioner Murtaugh moved to appoint Frank Cederquist as ADA Project Coordinator for Tippecanoe County, second by Commissioner Knochel; motion passed.
- Commissioner Murtaugh moved to adopt the grievance policy and form of notice as established in Ordinance 2011-30-CM, second by Commissioner Knochel; motion passed.

### ***COOPERATIVE EXTENSION EDUCATOR CONTRACT***

Commissioner Byers presented the 2012 contract for the County Extension Educator with Purdue University. The annual dollar amount is amended to \$188,910; all other terms and conditions remain unchanged from last year's contract.

- Commissioner Murtaugh moved to approve the Extension Educator Contract as described, second by Commissioner Knochel; motion passed.

### ***CHANGE ORDER FOR THE JAIL HVAC***

Commissioner Murtaugh presented 5 change orders totaling \$13,667 to the work being done in relation to the HVAC unit at the County Jail. These changes involve electric cable ground installation and resulting sidewalk replacement and repair.

- Commissioner Murtaugh moved to approve the change orders as presented, second by Commissioner Knochel; motion passed.

### ***ANIMAL SHELTERING AGREEMENT***

Commissioner Murtaugh presented the 2012 contract with Crystal Creek Boarding Kennel for the sheltering of impounded and surrendered animals in the county. The cost to the County will be \$60,000.

- Commissioner Murtaugh moved to approve the 2012 Animal Sheltering Agreement with Crystal Creek Boarding Kennel for \$60,000, second by Commissioner Knochel; motion passed.

### ***SOUTH SIDE LANDFILL CONTRACT AMENDMENT and EXTENSION***

Attorney Luhman explained South Side Landfill (SSL) has presented the Commissioners with a proposal to assist the County by operating a hazardous waste recycle and disposal facility as a Solid Waste District. The proposal consists of SSL: installing at its own cost on the site housing the current Wildcat Creek Solid Waste District (WCSWD), a Hazardous Materials (HazMat) storage building not to exceed \$175,000; expanding the recycling facility at a cost not to exceed \$225,000; extending the hours of operation to Monday through Friday from 8:00 to 5:00 and Saturday 8:00 to 12:00; complying with all Federal, State and local building safety and HazMat codes. In return, the County agrees: to reimburse SSL the cost of the building and facility expansion without interest over a period of ten years; to pay SSL a monthly fee of \$4,000 for the operation of the facility; extend the contract with SSL for the operation of the County trash transfer station until 2016. He stated accepting this proposal would require an amendment to the current contract and an approved contract extension. This proposal was presented to the Solid Waste Commission Advisory Board, who recommended the Commissioners pursue this possibility.

Commissioner Byers opened the floor to public comment regarding this subject only.

Joann Evers – President, League of Women Voters of Greater Lafayette: Ms. Evers read a prepared statement commending the Commissioners for seeking creative solutions to the issues facing the

WCSWD and encouraged them to conduct this discussion in open meetings and accept public comment. The full statement is on file in the Auditor's office.

Leon Dickson – WCSWD Citizen's Advisory Committee: Mr. Dickson requested the Commissioners send the proposal to the WCSWD Board for review and discussion by all parties that would be affected by the dissolution of the District. He questioned the experience SSL has in operating a HazMat site, and the proposed costs versus the current operating costs. Commissioner Byers responded saying SSL operates solid waste districts for several other entities in the state, including the Muncie/Ball State joint district. A cursory comparison of the costs proves SSL to be about the same to a little less than WCSWD with better a facility the county can afford and expanded hours greatly benefitting the public.

Karen Griggs – Member, League of Women Voters of Greater Lafayette: Ms. Griggs suggested the Commissioners rebid the WCSWD storage building as being built in phases as the budget can support. The recent bid was way over budget, and if all items included are deemed necessary, have the architect draw the plans so it may be implemented in stages as the funding is available. This suggestion rises from her concern for the amount of time necessary to create a new District and obtain all the required approvals and permits. She believes it is the best interest of the citizens of Tippecanoe and Clinton counties to move forward with the current facility. If that is not to be, she would like to see the Commissioners seek out alternative energy grants to fund the new building.

Paul Wright – 4523 S. County Line Rd. W., Westpoint: Mr. Wright commended the Commissioners for seeking alternative solutions to the issues facing WCSWD. He is in favor of the proposal from SSL, but cautions the Board to make sure they know the total true costs before they proceed in order to avoid any additional costs to the taxpayers.

Commissioner Murtaugh agreed with Mr. Wright regarding the need to understand true costs up front, and assured everyone there would not be any elimination of services to stay within budget. If this proposal was accepted it would have to operate on the current tax rate. He sees this as a great improvement for the taxpayers. It would mean going from a substandard and hazardous facility to a state of the art facility open 6 days a week. Commissioner Byers agreed with Commissioner Murtaugh adding there is a potential for overall savings in this joint venture and the tax rate to actually decrease.

- Commissioner Murtaugh moved to extend the South Side Landfill contract to expire on December 31, 2016, second by Commissioner Knochel; motion passed.

#### ***RESOLUTION 2011-50-CM***

##### **Withdrawal of Tippecanoe County from the Wildcat Creek Solid Waste District**

Attorney Luhman explained the procedures for withdrawing from the WCSWD, should that be the decision of the Commissioners. The resolution presented would be the first step in the process. The next step cannot take place earlier than fifteen days from passage but must be voted on within forty five days. During this time the Commissioners may still work with the Board of the WCSWD towards a joint solution of the issues at hand. If the decision is to separate, a second resolution must be passed within the forty five day deadline.

Commissioner Byers said the proposal by SSL was discussed at the recent WCSWD Board meeting with the prospect of keeping the District intact and having Clinton County residents bring their hazardous items to the Tippecanoe facility. Board members from Clinton County will bring this proposal back to the Clinton County Commissioners for discussion and report the decision by December 16<sup>th</sup>.

- Commissioner Knochel moved to approve Res. 2011-50-CM, second by Commissioner Murtaugh; motion passed.

### ***APPLICATIONS TO VILLA***

Commissioner's Assistant Frank Cederquist presented the following applications to the Tippecanoe Villa for approval: Larry Burrows, Nelson Harman, David Wilcox, Ronald Edwards, Diane Bishop, Maryanna Hadden, and Robert Kelly.

- Commissioner Murtaugh moved to approve the applications as stated, second by Commissioner Knochel; motion passed.

### ***UNFINISHED BUSINESS***

#### **Electronic Communications Policy Amendment**

Attorney Luhman presented an amendment to the Electronic Communications policy, which further clarifies that employees do not have a property interest or expectation of privacy in electronic communications over county computers or telephones.

- Commissioner Murtaugh moved to approve the Amendment to the Electronic Communications policy, second by Commissioner Knochel; motion passed.

### ***NEW BUSINESS***

Commissioner Byers thanked Brown Street United Methodist Church for its donation of \$1,000 to be used for Christmas presents for residents of the Villa.

### ***REPORTS ON FILE***

The following reports are on file in the Commissioner's office:

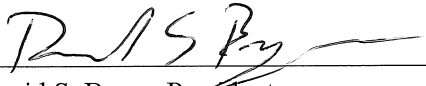
- Health Department
- Clerk of the Court

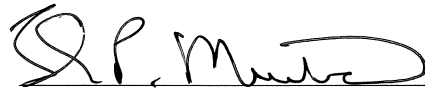
### ***PUBLIC COMMENT***

Karen Griggs – 100 Thornbush Drive, West Lafayette: Ms. Griggs voiced her support for the continuation of the joint WCSWD between Tippecanoe and Clinton counties. She requested the Commissioners hold public hearing for any and all actions pertaining to the resolution or dissolution of the District so taxpayers may have a voice in the outcome.

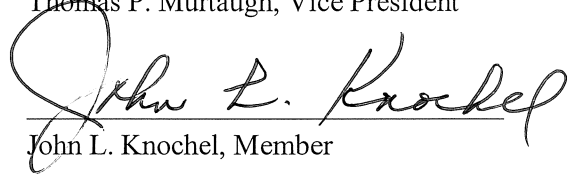
Commissioner Murtaugh moved to adjourn.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

  
David S. Byers, President

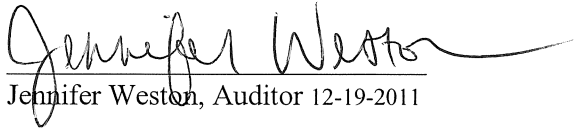


Thomas P. Murtaugh, Vice President



John L. Knochel, Member

**ATTEST:**



Jennifer Weston, Auditor 12-19-2011